4063

BILL NO. S-78-05-37

SPECIAL ORDINANCE NO. S-92-78

AN ORDINANCE approving the First Addenda to Water Pollution Control Treatment Agreement between the City of Fort Wayne, Indiana and Maysville Regional Sanitary Sewer District.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the First Addenda to Water Pollution Control Treatment Agreement dated May 10, 1978, between the City of Fort Wayne, by and through its Mayor and the Maysville Regional Sanitary Sewer District:

> involves the Farmers Home Administration Loan of $576,000.00 to Maysville Regional Sewer District for partial construction costs of sewer system and the term of the Agreement be changed from the original twenty year period to a period of forty years,

all as more particularly set forth in said First Addenda which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilman

APPROVED AS TO FORM
AND LEGALITY,

CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for ~~recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers~~, City-County ~~Building~~, Fort Wayne, Indiana, on _____, the _____ day of _____, 19__, at _____ o'clock ____ M., E.S.T.

DATE: 5-22-78

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8			1	
BURNS	✓				
HINGA	✓				
HUNTER	✓				
MOSES	✓				
NUCKOLS				✓	
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
STIER	✓				
TALARICO	✓				

DATE: 6-13-78

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ZONING MAP)~~ ~~(GENERAL)~~ ~~(ANNEXATION)~~ (SPECIAL) ~~(APPROPRIATION)~~ ORDINANCE ~~(RESOLUTION)~~, No. S-92-78 on the 13th day of June, 19 78.

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of June, 19 78, at the hour of 11:10 o'clock A M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 20th day of June, 19 78, at the hour of 8:30 o'clock A M., E.S.T.

Robert E. Armstrong
MAYOR

Bill No. S-78-05-39

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving the First Addenda to Water Pollution Control Treatment Agreement between the City of Fort Wayne, Indiana and Maysville Regional Sanitary Sewer District

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

PAUL M. BURNS - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

WINFIELD C. MOSES, JR.

FREDRICK R. HUNTER

6-13-78
DATE

CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

66-5-6 H.I. 5/10/78

FIRST ADDENDA TO WATER POLLUTION CONTROL
TREATMENT AGREEMENT BETWEEN THE
CITY OF FORT WAYNE, INDIANA and
MAYSVILLE REGIONAL SANITARY SEWER DISTRICT

WHEREAS, on October 19, 1977, a Water Pollution Control Agreement was entered into between the City of Fort Wayne, Indiana, (hereinafter called "City") and Maysville Regional Sanitary Sewer District, (hereinafter called "District") providing for receipt and treatment by the City of the wastewater and sewage collected in the District; and

WHEREAS, that by said Agreement it was the intention of the parties that said City would receive said wastewater and sewage collected in the District for the term of twenty (20) consecutive years from the first date of connection or rendering of service and thereafter for an indeterminate number of five (5) year terms after the initial term unless one of the parties should notify the other in writing at least three (3) years prior to the expiration of the original term or any additional five (5) year terms of its desire not to continue the agreement; and

WHEREAS, the Farmers Home Administration, (hereinafter called "FHA") is contributing the sum of $576,000.00 to the District for partial construction costs of the sewer system and as security for said District's repayment of said funds to the FHA, said District is issuing its revenue bond to the FHA payable over a period of forty (40) years; and

WHEREAS, the FHA has requested that the term of the Water Pollution Control Agreement be changed to provide that the City be bound to treat the wastewater and sewage of the District for a period of forty (40) years from the first date of connection or rendering of service or until such time as all bonds issued by the District to the FHA for the construction of the sewer systym have been paid in full.

NOW THEREFORE, the parties agree as follows:

1. That the Water Pollution Control Agreement between the City of Fort Wayne and the Maysville Regional Sanitary Sewer District continue in full force and effect for forty (40) consecutive years from the first date of connection or rendering of service hereunder, or until such time as all bonds issued by the District to the FHA for the construction of said sewer system have been paid in full.

2. That all other terms, agreements and provisions of said agreement of October 17, 1977, remain in full force and effect.

IN WITNESS WHEREOF, the City of Fort Wayne have executed by their proper officials, this first Addenda on the 10 day of May, 1978.

CITY OF FORT WAYNE, INDIANA

By: Robert E. Armstrong
ROBERT E. ARMSTRONG, ITS MAYOR

BOARD OF PUBLIC WORKS

By: Henry P. Wehrenberg
Henry P. Wehrenberg

By: Ethel H. LaMar
Ethel H. LaMar

By: Max G. Scott
Max G. Scott

ATTEST:

Ursula Miller
Clerk

MAYSVILLE REGIONAL SANITARY SEWER DISTRICT

By: Homer C. McMaken
Homer C. McMaken

By: Roy S. Fogle
Roy S. Fogle

ATTEST:

Thomas A. Locke

By: George H. Stieglitz, Jr.
George H. Stieglitz, Jr.

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

4065

TITLE OF ORDINANCE SPECIAL ORDINANCE - FIRST ADDENDA TO WATER POLLUTION CONTROL TREATMENT AGREEMENT BETWEEN THE CITY OF FORT WAYNE, IDNIANA AND MAYSVILLE REGIONAL SANITARY SEWER DISTRICT

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS 5-78-05-39

SYNOPSIS OF ORDINANCE FIRST ADDENDA TO WATER POLLUTION CONTROL TREATMENT AGREEMENT BETWEEN THE CITY OF FORT WAYNE, INDIANA AND MAYSVILLE REGIONAL SANITARY SEWER DISTRICT: INVOLVES THE FARMERS HOME ADMINISTRATION LOAN OF $576,000.00 TO MAYSVILLE REGIONAL SEWER DISTRICT FOR PARTIAL CONSTRUCTION COSTS OF SEWER SYSTEM AND THE TERM OF THE AGREEMENT BE CHANGED FROM THE ORIGINAL TWENTY YEAR PERIOD TO A PERIOD OF FORTY YEARS.

(FIRST ADDENDA AGREEMENT ATTACHED)

(PRIOR APPROVAL REQUESTED FOR MAY 16, 1978)

EFFECT OF PASSAGE DEADLINE DATE FOR LOAN CLOSING APPROVAL BY FHA ATTORNEY IS JUNE 5TH PREPARATORY TO SENDING PAPERS TO EPA IN WASHINGTON.

EFFECT OF NON-PASSAGE SELF-EXPLANATORY

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

ASSIGNED TO COMMITTEE

EP